

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 16-19 are pending in this case.

In the outstanding Official Action, Claims 16-19 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1-4 of U.S. Patent No. 7,136,574 in view of Mori et al. (apparently U.S. Patent No. 6,219,488, hereinafter "Mori").

With regard to the non-statutory double patenting rejection of Claims 16-19 over Claims 1-4 of U.S. Patent No. 7,136,574 in view of Mori, the rejection is respectfully traversed in light of the terminal disclaimer submitted herewith.

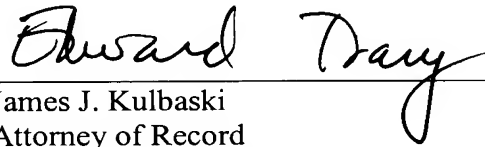
The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

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Accordingly, the outstanding double patenting rejection is traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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A handwritten signature in cursive script, appearing to read "Edward Tracy", is written over a horizontal line.

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